

Military Police Complaints Commission

2010-2011

Estimates

Report on Plans and Priorities

**Honourable Peter Gordon MacKay, P.C., M.P.
Minister of National Defence**

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Acting Chairperson's Message

I am pleased to present the 2010-11 Report on Plans and Priorities of the Military Police Complaints Commission (the Commission). This report sets out what the Commission will do over the next three years as the Commission fulfills its role to provide independent civilian oversight of the Canadian Forces military police. The plans and priorities include:

- providing greater public accountability by the military police and the chain of command in relation to military police investigations;
- promoting and ensuring the highest standards of conduct of the military police in the performance of policing duties; and
- discouraging interference in military police investigations.

In addressing these plans and priorities, the Commission will continue to work collaboratively with the Canadian Forces Provost Marshal (CFPM), the military police community, our partners and stakeholders.

The Commission reached a significant milestone in 2009, celebrating the 10th anniversary of operations. The Commission's efforts over the past ten years have resulted in significant progress and achievement in providing effective oversight, including:

- the reinforcement of the Commission's transparency and accountability;
- the Commission's operations streamlined and modernized; and
- the Commission's working relationships with National Defence, military police leadership and our partners and stakeholders further strengthened.

Going forward into the next decade, Commission's operating environment will continue to be complex and challenging. Ongoing and new case reviews will be pursued within established critical paths. The Commission will continue its outreach to the military police and other communities. In addition the Commission will take practical measures to further reinforce the Commission's transparency, accountability and sound stewardship of resources.

In regards to the Afghanistan Public Interest Hearing into complaints regarding detainee transfers lodged by Amnesty International Canada and British Columbia Civil Liberties Association, the Commission has set an early 2010 schedule for document production and a March 2010 resumption date for the hearings.

Contributions of Commission staff to the Commission's operations must be well recognized. Their professionalism and dedicated efforts have enable the Commission to effectively balance an unpredictable volume and diversity of cases with changing priorities and other heavy workload demands.

It is an honour to have been appointed on December 11, 2009 to serve as the Acting Chairperson of the Commission. In this role I am committed to advancing the important work of the Commission.

Glenn Stannard
Acting Chairperson

Section I - Overview

1.1 Summary Information

Raison d'être

The Military Police Complaints Commission (the Commission) was established on December 1, 1999 by the Government of Canada to provide independent civilian oversight of the Canadian Forces military police. This was executed by an amendment to the *National Defence Act*, Part IV. The Commission's role is to provide greater public accountability by the military police and the chain of command in relation to military police investigations.

Responsibilities

Anyone, including civilians, may make a complaint about military police conduct including those individuals not directly affected by the subject matter of the complaint. Such complaints are handled in the first instance by the CFPM and the Commission monitors the CFPM's investigation. The Commission may at any time during the CFPM investigation, assume responsibility for the investigation or call a public hearing if it is deemed in the public interest to do so. Complainants can request the Commission to review the complaint if they are not satisfied with the results of the Canadian Forces Provost Marshal's investigation or the disposition of the complaint.

A member of the military police conducting or supervising an investigation is also able to complain about improper interference encountered in the conduct of an investigation. The Commission has exclusive jurisdiction over complaints of interference.

The Commission ensures the military police complaints process is accessible, transparent and fair to all concerned. The Commission, in its review of conduct or interference complaints identifies and makes recommendations regarding opportunities for improvement, be it in the conduct of individual military police members or in systemic areas such as the policies and procedures that govern the conduct of all military police. These recommendations for change, when implemented, support the military police in maintaining the highest standards of professional conduct and in assuring the integrity of military police investigations. The effective discharge of the oversight activity by the Commission also provides assurance to members of the Canadian Forces, and ultimately to all Canadians, that they are being served by a military police service of the highest quality.

The Commission is a micro-agency. Operating out of Ottawa, the Commission currently has 19 planned full time employees (FTEs) and a program budget of \$3.4 million. As a result of the Public Interest Hearing and the Federal Court application, the Commission requested and received an additional \$5.0 million (\$1.2 million in fiscal year 2008-09; \$2.6 million in 2009-10; \$1.2 million in 2010-11) as well as 3 FTEs in 2009-10 and 2 FTEs in 2010-11.

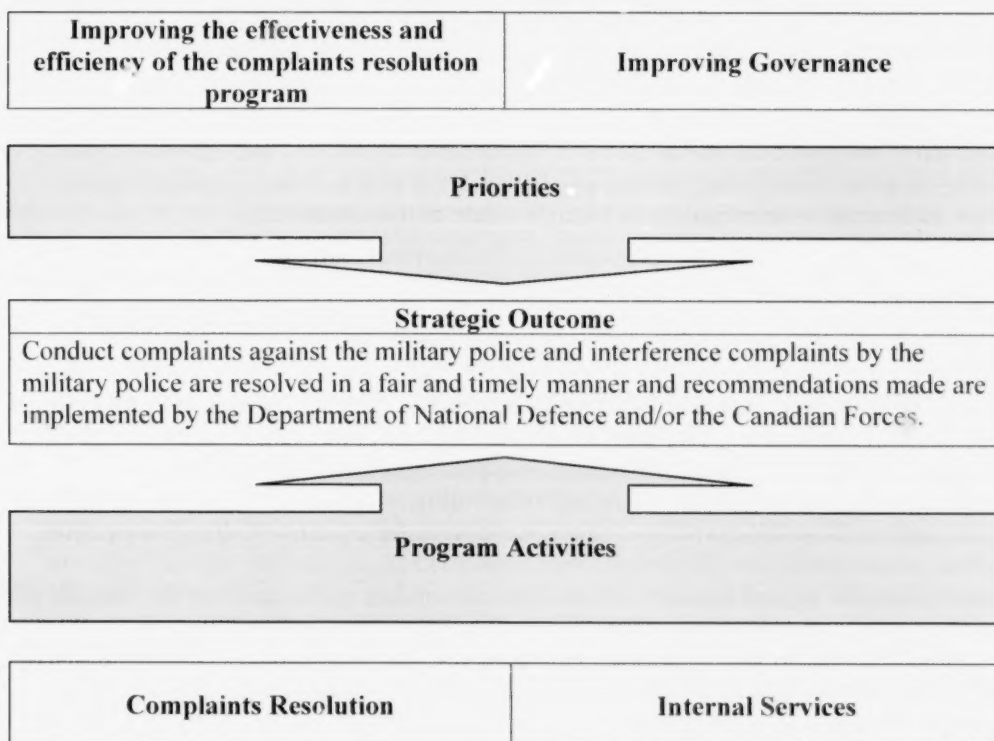
The Commission reports to Parliament through the Minister of National Defence.

Strategic Outcome

In order to effectively fulfill its mandate, the Commission will be guided by the following strategic outcome: Conduct complaints against the military police and interference complaints by the military police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Program Activity Architecture

The relationship of the program activities, the priorities and the strategic outcome is illustrated in the diagram below.



1.2 Planning Summary

Financial Resources (\$ millions)

The financial resources table below provides a summary of the total planned spending for the Commission for the next three fiscal years.

2010-11	2011-12	2012-13
\$4.7	\$3.5	\$3.5

The total planned spending is allocated in the table below to better disclose how the monies are planned to be disbursed.

	2010-11	2011-12	2012-13
Ongoing Program	\$3.5	\$3.5	\$3.5
Expenses related to the Public Interest Hearing and Legal Proceedings regarding the transfer of detainees in Afghanistan	\$1.2	\$0.0	\$0.0

Human Resources (FTEs)

The human resources table below provides a summary of the total planned human resources for the Commission for the next three fiscal years.

2010-11	2011-12	2012-13
21	19	19

The total planned FTEs are allocated in the table below to better disclose where the FTEs are planned to be utilized.

	2010-11	2011-12	2012-13
Ongoing Program	19	19	19
FTEs related to the Public Interest Hearing and Legal Proceedings regarding the transfer of detainees in Afghanistan	2	0	0

Strategic Outcome: Conduct complaints against the military police and interference complaints by the military police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Performance Indicators		Targets			
Percentage of recommendations resulting from investigations of conduct or interference complaints accepted by the Department of National Defence and/or the Canadian Forces		70%			
Percentage of investigations of conduct or interference complaints resolved within targeted timeframes as established by the Commission Chairperson		70%			
Percentage of individual members received remedial measures and/or improvements were made to military police policies and practices pursuant to investigations of conduct or interference complaints		70%			
Number of presentations given on the mandate, role and responsibilities of the Commission		10			
Program Activity	Forecast Spending * 2009–10 (\$ millions)	Planned Spending (\$ millions)			Alignment to Government of Canada Outcomes
		2010-11	2011-12	2012-13	
Complaints Resolution Program	3.1	2.7	1.5	1.5	Safe and Secure Canada
Internal Services	2.0	2.0	2.0	2.0	Safe and Secure Canada
Total	5.1	4.7	3.5	3.5	

*This reflects an estimate of costs to year end and includes the ongoing program funding, including the carry-forward, as well as the additional funding received for expenses related to the Public Interest Hearing and related legal proceedings into complaints regarding the transfer of detainees in Afghanistan.

The priorities remain unchanged from the previous year. Providing the complaints resolution program more effectively will result in timely investigations that confirm the correctness of military police conduct or provide recommendations, accepted and implemented by the Department of National Defence and/or the Canadian Forces for improvements. Such recommendations can include opportunities to improve military police conduct by addressing the needs of individual cases or broader systemic issues such as the need for new or enhanced policies, procedures, training or supervision. An effective complaints resolution process, and the implementation of recommendations for improvements where required, will contribute to promoting and ensuring the highest standards of professional conduct by the military police.

Contribution of Priorities to Strategic Outcomes

Operational Priorities	Type	Links to Strategic Outcome	Description
Improving the effectiveness and efficiency of complaints resolution	Ongoing	Conduct complaints against the military police and interference complaints by the military police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.	<p>The Commission has no control over the complaints received and the resulting volume, complexity and size of the investigations that ensue. As a result, the Commission must continue to refine the planning and conduct of its investigations. Timely, well-completed investigations will result, where required, in meaningful recommendations for changes in military police conduct (including addressing systemic issues) that are accepted and implemented.</p> <p>As well, the Commission will continue to work with the Chief of Defence Staff, the Canadian Forces Provost Marshal, Deputy Provost Marshal / Professional Standards and other stakeholders to foster an environment that supports the acceptance and implementation of recommendations.</p> <p>In order to promote a greater appreciation and understanding of its mandate and the complaints resolution process, the Commission will continue its outreach program at Canadian</p>

Operational Priorities	Type	Links to Strategic Outcome	Description
			Forces bases. These base visits allow stakeholders to gain a further appreciation of the Commission and how it operates and they allow the Commission to further expand its knowledge of the many challenges faced by the military police.
Management Priorities			
Improving Governance	Ongoing	Conduct complaints against the military police and interference complaints by the military police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.	<p>The Commission will continue to ensure the sound stewardship of the resources entrusted to it, including the additional funding received for the Afghanistan Public Interest Hearing and federal court challenges.</p> <p>Planning and reporting will be further aligned with the Program Activity Architecture. The focus will be on finalizing the performance measurement framework to enable the appropriate assessments of the investigations completed and the results achieved.</p>

Risk Analysis

Capacity and Timeliness

The Commission continues to address increasingly complex and often unique issues through its investigations of an unpredictable and diverse caseload of conduct and interference complaints. These investigations demand lengthy, workload-intensive research, data gathering and detailed analysis of voluminous written and oral evidence from within Canada and abroad. Such activities impact the duration of investigations, the resources and time required to prepare interim and final reports, and the overall cost.

When investigations result in a decision to hold public hearings, the process is even further complicated and costly. The Commission will continue to refine its critical path, and identify possible additional technology applications and other case management and administrative options, in order to further optimize available resources and streamline processes.

Resources

The Commission is not resourced to conduct large Public Interest Hearings. Prior to 2008-09, the Commission had one Public Interest Hearing which cost approximately \$100,000 and was paid for out of the existing resource base. However, the estimated cost of the Public Interest Hearing regarding the handling of Afghanistan detainees was beyond the existing resource level of the Commission. As a result, the Commission sought and obtained additional funds over the three year period ending in 2010-11 to cover the one-time costs of both the Public Interest Hearing as well as the resulting Federal Court challenges. Should the Commission encounter other substantial public interest hearings in the future, it will once again require additional funding and, at some point, if this trend continues, consideration may be needed to review its reference level.

Collaboration

The Commission will continue to have ongoing discussions with the Canadian Forces Provost Marshal and senior military police staff in order to examine, address and resolve issues and even further strengthen the complaints resolution process. Recommendations contained in the Commission interim and final reports of investigations are not binding on the Canadian Forces and DND. The Commission will continue to foster productive working relationships in order to facilitate the conduct of investigations and increase the likelihood that recommendations will be accepted and implemented.

The Commission will also continue to cultivate its mutually beneficial working relationships with other government departments and agencies, professional associations and intra-government affiliations in order to achieve practical solutions to common operational and administrative issues.

Balancing Privacy Rights and the Public Interest

In 2009, the Commission became a member of a working group comprising a number of other Administrative Tribunals. This work group developed protocols approved by the Heads of the Federal Administrative Tribunals Forum regarding the posting of decisions on websites and the protection of personal information contained therein. Their implementation will result in greater consistency among the Tribunals approaches, which also addresses an earlier observation of the office of the Privacy Commissioner regarding inconsistency.

The Commission also joined with three other tribunals and obtained intervenor status in a case before the Federal Court. This case involves important legal issues regarding an individual's challenge to the right of an independent, statutory tribunal (in this case the

Public Service Commission) to report personal information in the course of conducting an investigation or rendering a report. As intervenors, they will be able to provide valuable assistance and perspective to the Court in assessing and determining the issues raised in this application; and assistance in evaluating the broader implications of the submissions of the parties and the Privacy Commissioner.

Human Resource Planning

The Commission's effectiveness is due in large part to its knowledgeable and stable workforce. However, like in other micro agencies, it is difficult to retain employees when, for the most part, the size and flatness of the organization limit the number of opportunities for advancement. The Commission will continue to stress effective human resource planning, anticipating potential staff turnover and developing staffing strategies to help ensure that knowledge is retained and vacancies are appropriately filled, as quickly as possible.

The Commission already has a viable Human Resource Plan that takes into account the operational and human resource realities of the Commission as a micro-agency within the Federal Government. However, it will update this Plan in 2010-11 and ensure its alignment with the priorities of Public Service renewal. These priorities include, among others, achieving a fully representative workforce, facilitating learning and development opportunities, respecting the use of official languages in the workplace and in services to the public, and ensuring the appropriate human resource management regime to support all phases such as recruitment, staffing, learning, promotion and leadership development.

Expenditure Profile

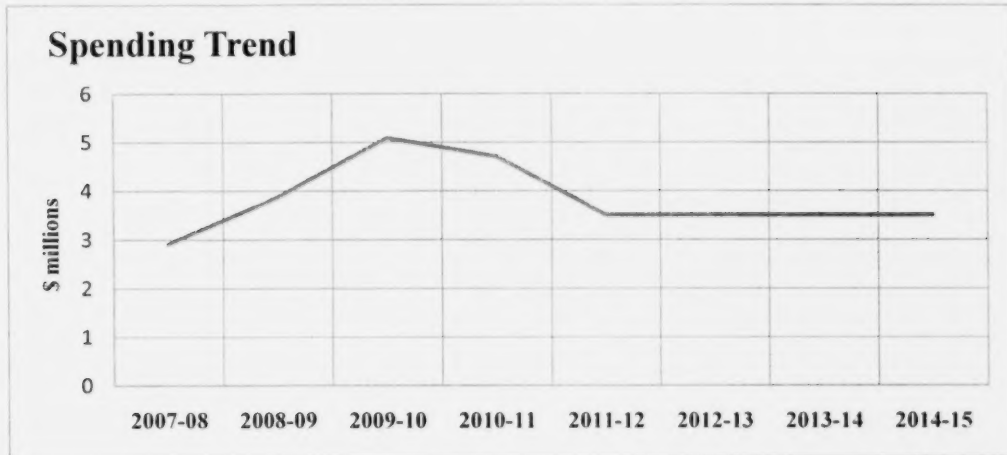
The financial resources of the Commission for its reference level have remained the same since 2006-07. As previously mentioned, the Commission sought and received additional funding to address the Afghanistan Public Interest Hearing and the related Federal Court applications.

The Departmental Spending Trend chart below illustrates the Commission spending trend from 2007-08 to 2014-15. For the 2007-08 to 2009-10 periods, the total spending includes actual spending during the period from all parliamentary appropriations, including the carry-forward adjustments. For the periods from 2010-11 to 2014-15, the total spending corresponds to the planned spending. The spending increase from 2008-09 to 2010-11 is due to additional costs incurred for conducting the Public Interest Hearing and for responding to the Federal Court applications.

Canada's Economic Action Plan

The Commission did not receive funding under Canada's Economic Action Plan.

Departmental Spending Trend



2010-11 Allocation of Funding by Program Activities

The funding will be for complaints resolution program activity as well as for internal services.

Voted and Statutory Items

Voted and Statutory Items displayed in the Main Estimates (\$ millions)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2009-10 Main Estimates	2010-11 Main Estimates
20	Program expenditures	5.7	4.4
(S)	Contributions to employee benefit plans	0.3	0.3
	Total for the Commission	6.0	4.7

Section II - Analysis of Program Activity by Strategic Outcome

2.1 Strategic Outcome

Conduct complaints against the military police and interference complaints by the military police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

The following section explains:

- the complaints resolution program activity and the expected results of this activity;
- how the Commission plans on meeting the expected results and the financial and non-financial resources that will be dedicated to the program activity;
- internal services activities; and
- benefits for Canadians from the Commission's program activities.

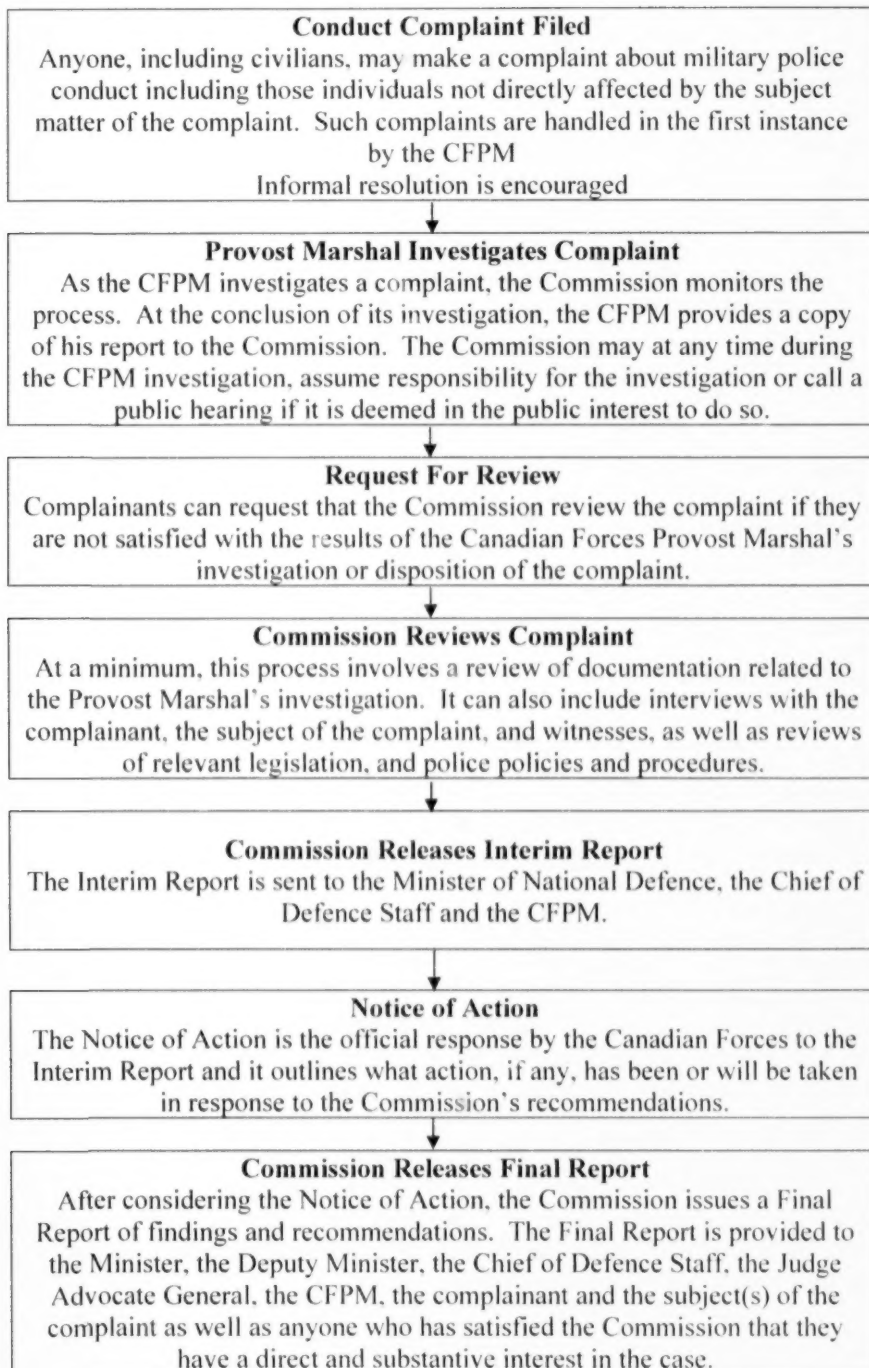
2.1.1 Program Activity – Complaints Resolution Program

Program Activity 1: Complaints Resolution					
Human Resources (FTEs) and Planned Spending (\$ millions)					
2010–11		2011–12		2012–13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
10	2.7	8	1.5	8	1.5

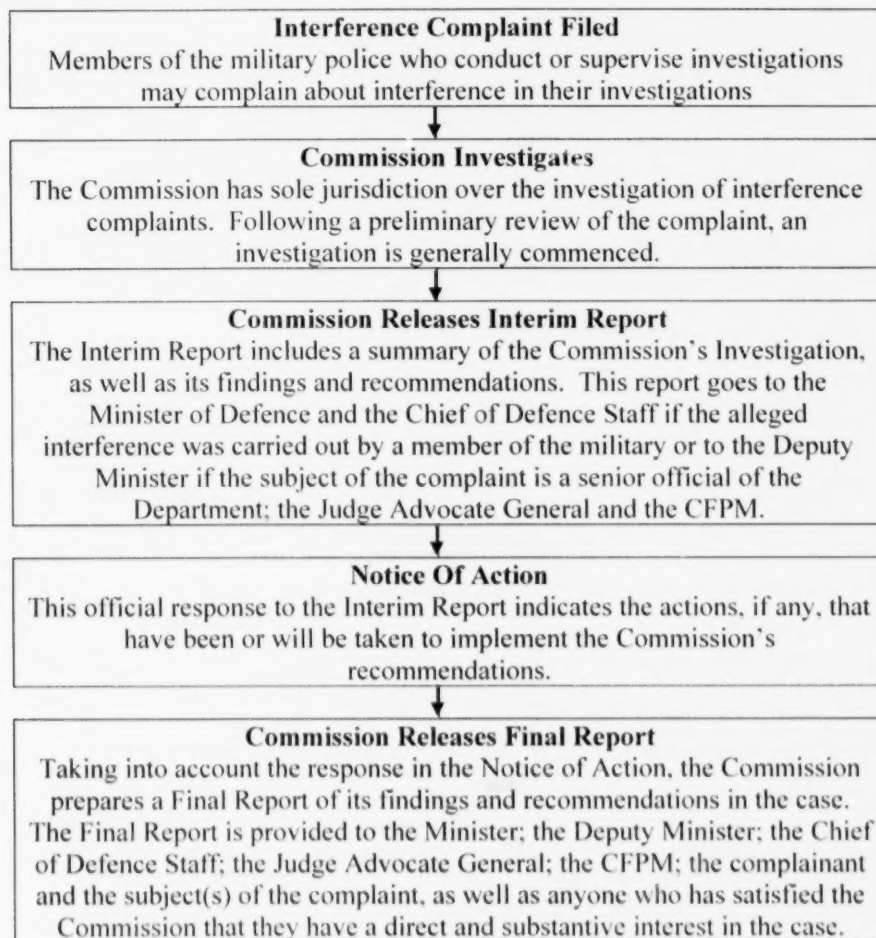
Program Activity Expected Results	Performance Indicators	Targets
Recommendations resulting from investigations of conduct or interference complaints are accepted by the Department of National Defence and/or the Canadian Forces	% of recommendations implemented	70%
Investigations of conduct or interference complaints are resolved within targeted time frames as established by the Commission Chair	% of investigations resolved within time frames	70%
Individual members receive remedial measures and/or improvements are made to military police policies and practices pursuant to investigations of conduct or interference complaints	% of individual members receiving remedial measures and/or improvements being made to policies and practices	70%
Presentations given on the mandate, role and responsibilities of the Commission	number of presentations given	10

The complaints resolution includes research, monitoring, planning, the conduct of investigations and the reporting of results.

Complaints about Military Police Conduct



Complaints about Interference in Military Police Investigations



Planning Highlights

In order to achieve the intended results, the Commission plans to undertake the following:

- **Plan, Conduct and Report the Results of its Investigations:** The Commission will continue to complete its investigations in accordance with the critical path developed specifically for each investigation. Ongoing refinements to the critical path will be made to factor in the complexities, demands and implications of extremely large mega-cases.
- **Operate Effectively:** The Commission will finalize its performance measurement framework and continue to refine its performance targets to ensure they accurately reflect the changing scope, size and complexity of the

investigations undertaken. Setting the appropriate targets remains a challenge due to the significant differences among investigations.

- **Cost Control:** The Commission will continue to look at the complaints resolution process to identify opportunities for cost savings. Outsourcing of investigative services and expanding its roster of investigators, if necessary, will allow the Commission to better match investigator skill sets with investigative requirements. Potential options to enhance investigative capacity will also be examined in order to further reinforce organizational sustainability.
- **Increase Transparency of Commission Operations:** The Commission will continue its outreach program and expand the number of stakeholders who are informed about the purpose, objectivity and fairness of the conduct and interference complaints resolution processes.
- **Cooperation:** The Commission requires cooperation and collaboration with others to be successful. This includes ensuring a productive working relationship with the CFPM and other CF/DND representatives that facilitates the conduct of investigations and increases the likelihood that recommendations will be accepted and implemented. It also includes cultivating mutually beneficial working relationships with other government departments and agencies, professional associations and intra-government affiliations to achieve practical solutions to common operational and administrative issues.

2.1.2 Program Activity – Internal Services

Program Activity 1: Internal Services					
Human Resources (FTEs) and Planned Spending (\$ millions)					
2010–11		2011–12		2012–13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
11	2.0	11	2.0	11	2.0

Program Activity Expected Results	Performance Indicators	Targets
Implementation of the Action Plan resulting from the 2009 Information Technology Management Review	Implementation completed	100%
Planned management reviews are completed	# of management reviews completed	2 per year
Review and update of the policy suite completed	% of policy suite review and updated	50%
Human resource strategy and learning plans	Number of employees with learning plans	100%

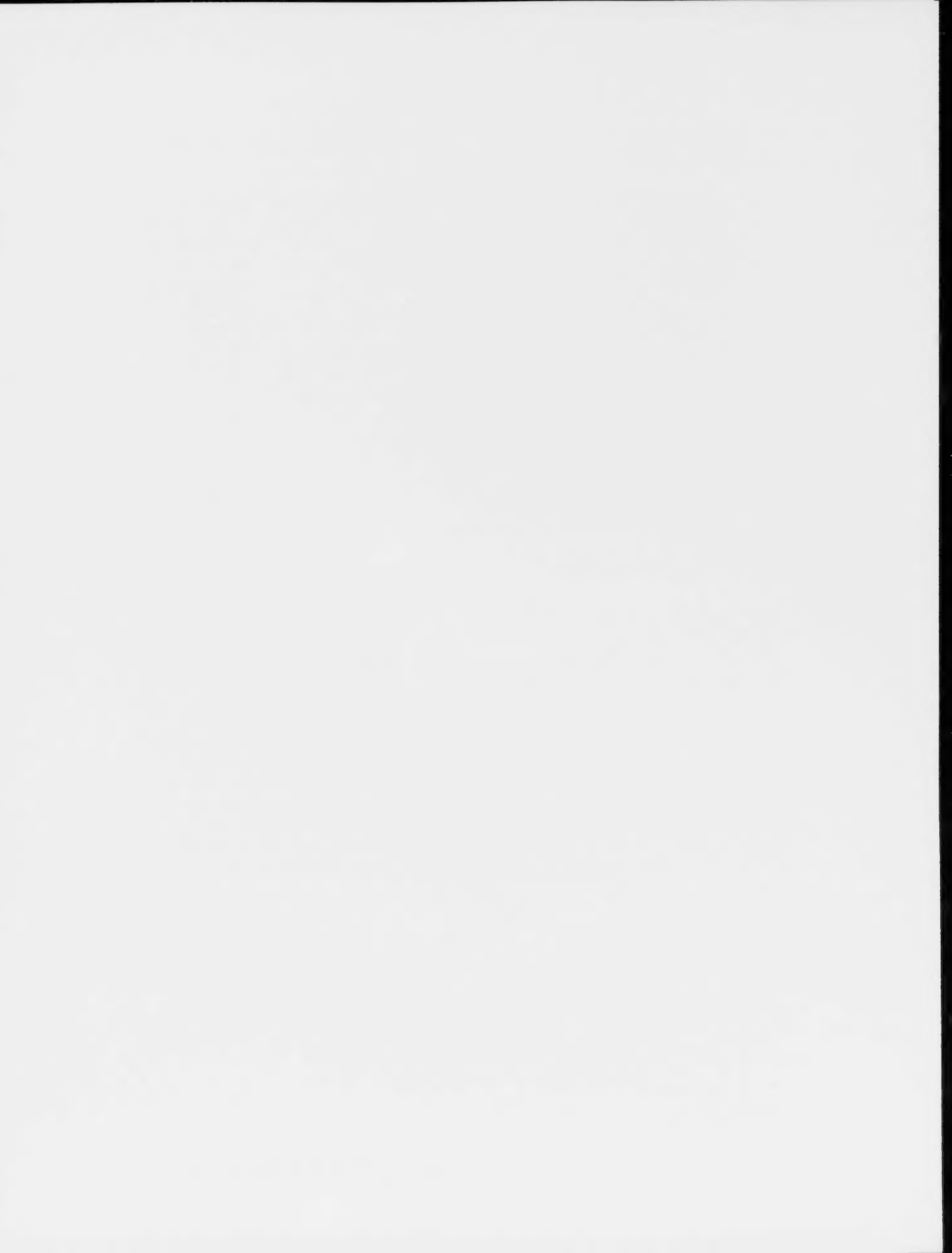
In order to fully support the complaints resolution program, the Commission plans to undertake the following:

- **Planning and Reporting:** The Commission will continue to access private and government resources for the cost-effective delivery of human resource, access to information and privacy, records management and informatics and web services.
- **Evergreening Program –** The Commission's Evergreening Program for information technology (IT) assets will continue to be managed and maintained to ensure these assets are acquired and retired on a planned basis to streamline its investment requirements from year to year. In addition, the Evergreening Program will be expanded to include all other Commission physical assets.
- **Business Continuity Plan:** The Commission will further refine its Business Continuity Plan in the next fiscal year to include a pandemic response component.
- **Human Resources:** The Commission will update its Human Resource Plan to ensure alignment with Public Service Renewal priorities and automate its human resource services consistent with government-wide directions in this area.
- **Risk Management and Management Reviews –** The Commission will continue to maintain its risk management framework and will conduct management or business reviews based on the high risk elements identified in the framework.

Benefits for Canadians

The Commission's strategic outcome is as follows: Conduct complaints against the military police and interference complaints by the military police are resolved in a fair and timely manner, and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

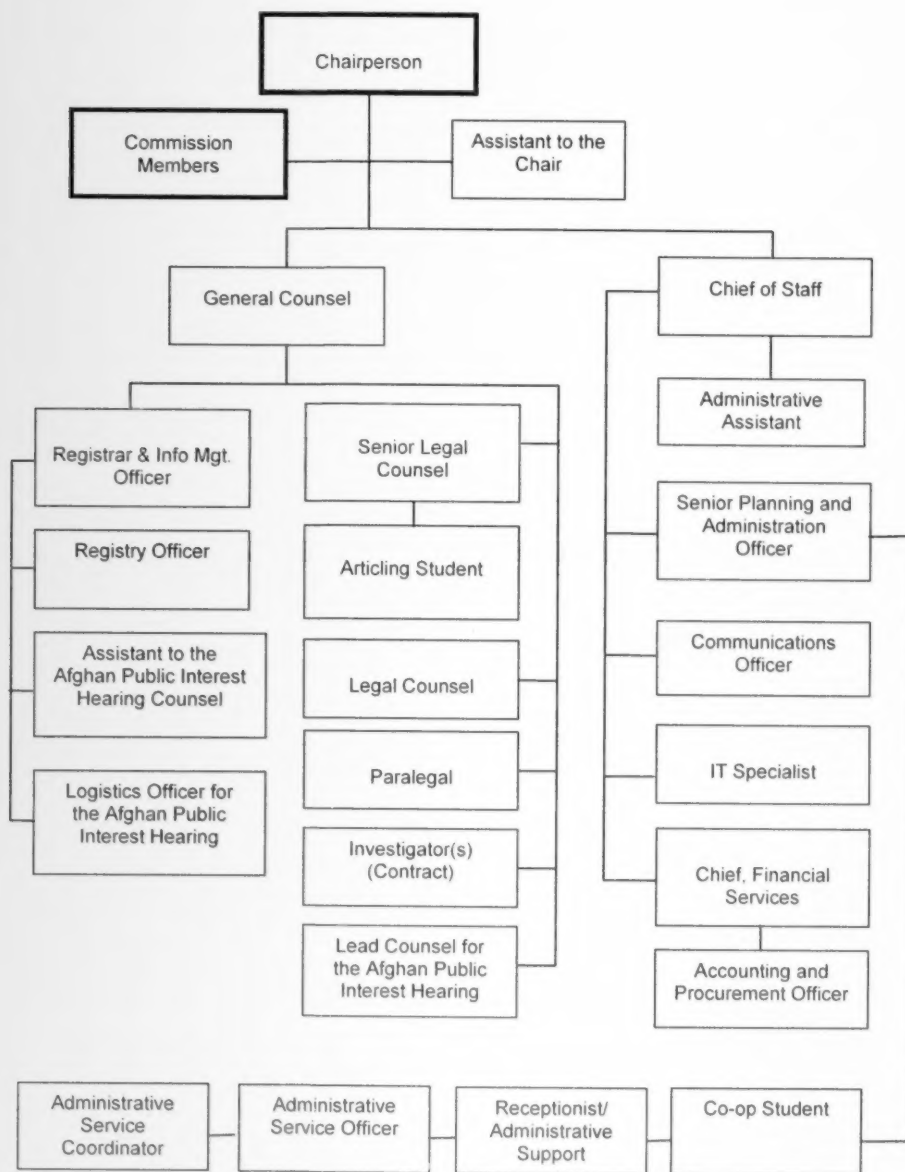
Program activities by the Commission in support of this strategic outcome provide important benefits to Canadians as well as being consistent with, and complementary to, the Government of Canada's outcome of a safe and secure Canada. The police play a critical role in any democratic society. For Canadians, the important social value of the Commission is not only its transparent and accountable oversight of, and investigations into, military police conduct or interference complaints. It is also related to serving the public interest and to maintaining Canadians' confidence that if there is misconduct, it will be addressed in accordance with the rule of law. Public trust is essential to the effectiveness of policing.



Section III - Supplementary Information

3.1 Other items of Interest – Organization Chart

ORGANIZATIONAL INFORMATION



3.2 Other Items of Interest – How to Reach Us

- Call our information line:
 - 613-947-5625 or toll-free at 1-800-632-0566 to speak to an intake officer
- Send us a fax:
 - 613-947-5713 or toll-free at 1-877-947-5713
- Send us a letter:
 - Military Police Complaints Commission
270 Albert Street, 10th floor
Ottawa, ON K1P 5G8
 - Visit us at the above address for a private consultation – appointments are recommended
- E-mail us:
 - commission@mpcc-cppm.gc.ca
Note: Please do not send confidential information via e-mail; we cannot guarantee the security of electronic communications at this time
- Visit our website:
 - www.mpcc-cppm.gc.ca
- Media inquiries:
 - 613-947-5668 or e-mail media@mpcc-cppm.gc.ca